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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/651,816

08/28/2003

Janos Kertesz

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9559

7590

08/09/2004

Friedrich Kueffner
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EXAMINER

DUNWOODY, AARON M

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/651,816

Applicant(s)

KERTESZ, JANOS

Examiner

Aaron M Dunwoody

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/20/04, 8/28/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 12 and 13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 6/29/2004.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statements (IDS) filed 1/20/2004 and 8/28/2003 are being considered by the examiner. However, the Other Prior Art is not considered because the documents are missing relevant dates.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by German patent DE 19535413 C1.

In regards to claim 1, DE 19535413 C1 discloses a coupling member for connecting a part, provided for receiving or dispensing fuel and made primarily of HDPE (high-density polyethylene), to a fluid line, wherein the coupling member comprising:

a first component (1), a second component (2), and a third component (3) comprised primarily of meltable material;

wherein the third component is configured to form a heat fusion joint with the part for receiving or dispensing fuel and has an undesirably high permeability and swelling capacity relative to fuel;

wherein the third component is connected to the first component by at least one of a material bonding action and a positive-locking action;

wherein the second component has a greater blocking capacity relative to fuel than the third component and a higher strength than the third component; wherein the material of the second component is embedded completely or mostly in the material of the third component;

wherein a volume ratio of volumes of the second and third components relative to one another is selected such that combined properties of the second and third components with regard to fuel permeability, strength, and volume changes by swelling are approximated to properties of the second component with regard to fuel permeability, strength, and volume changes by swelling;

wherein the materials of the first and third components are heat-fusible with one another.

In regards to claim 2, DE 19535413 C1 discloses the meltable material of the third component being thermoplastic wherein material.

In regards to claim 3, DE 19535413 C1 discloses at least one of the materials the first component comprising selected from the group consisting of PA, POM, PBT, PEN, PET, PBN, PPS, PPA, PP, LCP, aliphatic polyketone, and fluoro-thermoplastic material.

In regards to claim 4, DE 19535413 C1 discloses the second component comprising at least one of the materials selected from the group consisting of EVOH, PBT, PEN, PET, PBN, POM, PA, PPS, PPA, LCP, aliphatic polyketone, and fluoro-thermoplastic material or at least a metal or glass.

In regards to claim 5, DE 19535413 C1 discloses the third component comprising a polyolefin fusible with the material of the part for receiving or dispensing fuel.

In regards to claim 6, DE 19535413 C1 discloses the polyolefin being a functionalized polyolefin.

In regards to claim 7, DE 19535413 C1 discloses the shape of the second component within the third component being selected such that 20 to 100 % of the

Art Unit: 3679

cross-section of the third component, which cross-section permeable for fuel, are covered by the second component.

In regards to claim 8, DE 19535413 C1 discloses the second and the third components being annular.

In regards to claim 9, DE 19535413 C1 discloses the first component being tubular and being surrounded by the third component.

In regards to claim 10, DE 19535413 C1 discloses the first component having a flange engaging across the third component.

In regards to claim 11, DE 19535413 C1 discloses at least one of a connecting socket, a housing of a valve, a filling socket, and a fastening flange for a fuel pump.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it illustrates the inventive concept of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

.amd



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